

**DFC XO 03**



**DEPARTMENT OF THE NAVY**  
(b)(6), (b)(7)(c)

1611  
Ser N02/088  
11 MAY 2018

**SECOND ENDORSEMENT** on (b)(6), (b)(7)(c) ltr 1611 Ser N00/059 of 5 Apr 18

**From:** (b)(6), (b)(7)(c)

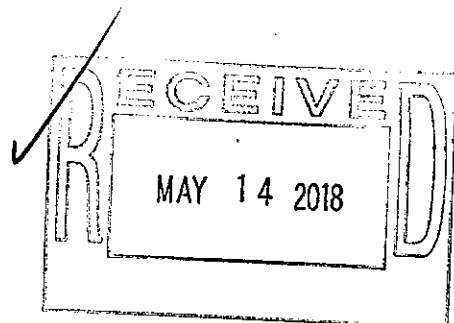
**To:** Commander, Navy Personnel Command (PERS-834)

**Subj:** NONJUDICIAL PUNISHMENT REPORT ICO CAPT (b)(6), (b)(7)(c) USN

1. Forwarding as a matter under your cognizance (b)(6), (b)(7)(c)

**Copy to:**  
(b)(6), (b)(7)(c)

**CAPT** (b)(6), (b)(7)(c)



11 May 18

FIRST ENDORSEMENT on (b)(6), (b)(7)(c) ltr 1611 Ser N00/059 of 5 Apr 18

From: (b)(6), (b)(7)(c)

To: Commander, Navy Personnel Command (PERS-834)

Via: (b)(6), (b)(7)(c)

Subj: NONJUDICIAL PUNISHMENT REPORT ICO CAPT (b)(6), (b)(7)(c) USN

✓ Encl: (6) Emails Indicating CAPT (b)(6), (b)(7)(c) Receipt of Report of NJP

1. On 6 April 2018, I delivered a copy of reference (a) to CAPT (b)(6), (b)(7)(c) USN. He acknowledged receipt of the complete document with attachments. See enclosure (6). However, he refused to sign a document indicating receipt or his intentions regarding endorsing the documents.

2. On 7 May 2018, having received no endorsement from CAPT (b)(6), (b)(7)(c) I emailed him again regarding his intentions. He made no reply. (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)



DEPARTMENT OF THE NAVY

(b)(6), (b)(7)(c)

1611  
Ser N00/059  
5 APR 2018

From: (b)(6), (b)(7)(c)  
To: Commander, Navy Personnel Command (PERS-834)  
Via: (1) CAPT (b)(6), (b)(7)(c) LISN  
(2) (b)(6), (b)(7)(c)

Subj: NONJUDICIAL PUNISHMENT REPORT ICO CAPT (b)(6), (b)(7)(c) JSN

Ref: (a) MILPERSMAN 1611-010  
(b) MILPERSMAN 1611-020  
(c) UCMJ, Article 133  
(d) UCMJ, Article 128

Encl: (1) NAVPERS 1626/7 of 8 Mar 18  
(2) NJP Procedural Documents  
(3) CAPT (b)(6), (b)(7)(c) ltr of 15 Feb 18  
(4) Summary of NJP  
(5) (b)(6), (b)(7)(c) ltr 1611 Ser N02/050 of 12 Mar 18

1. Per references (a) and (b), this report of nonjudicial punishment (NJP) in the case of CAPT (b)(6), (b)(7)(c) is forwarded for review and action. On 8 March 2018, NJP was imposed on CAPT (b)(6), (b)(7)(c) for violation of reference (c) (conduct unbecoming an officer and gentleman). Enclosure (1) is the report and disposition of the offenses from the proceeding. Enclosure (2) contains: Accused's Notification and Election of Rights, Military Suspect's Acknowledgment and Waiver of Rights, and Accused's Acknowledgment of Appeal Rights. Enclosure (3) is the report of the command investigation. Enclosure (4) is a summary of the proceeding, including CAPT (b)(6), (b)(7)(c) statement during the proceeding. Enclosure (5) is the punitive letter of reprimand awarded.

2. The factual basis for NJP, reflected in the enclosures, is summarized as follows.

a. On 31 January 2018 (b)(6), (b)(7)(c) made ready to go underway on (b)(6), (b)(7)(c) 2018 for execution of its (b)(6), (b)(7)(c). Into the night of 31 January and the early morning of 1 February, CAPT (b)(6), (b)(7)(c) and a group of four other (b)(6), (b)(7)(c) officers were drinking heavily at an off-base (b)(6), (b)(7)(c) restaurant. During the five officers' early morning taxi cab ride back to base, some argued with the cab driver and he was assaulted. The driver called the (b)(6), (b)(7)(c) Police Department and (b)(6), (b)(7)(c) and (b)(6), (b)(7)(c) law enforcement officers met the cab at (b)(6), (b)(7)(c). Four of the (b)(6), (b)(7)(c) officers, including CAPT (b)(6), (b)(7)(c) were handcuffed and turned over to (b)(6), (b)(7)(c) security officers. The cab driver identified another (b)(6), (b)(7)(c) officer as his assailant. However, the investigation report contained facts which might indicate CAPT (b)(6), (b)(7)(c) involvement.

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b. While in the (b)(6), (b)(7)(c) security building awaiting pick-up by command leadership, CAPT (b)(6), (b)(7)(c) showed signs of drunkenness and was loud and aggressive toward security personnel, including civilians and junior Sailors.

3. At Admiral's Mast, CAPT (b)(6), (b)(7)(c) accepted responsibility for conduct unbecoming an officer and gentlemen. Additionally, he admitted grabbing the cab driver by the shoulder but stated he had no intent to cause harm. He only wanted the driver to pull off the road and let the officers out. CAPT (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) I found by a preponderance of the evidence CAPT (b)(6), (b)(7)(c) violated reference (c) (conduct unbecoming an officer and gentleman), but I found he did not violate reference (d) (assault consummated by a battery). As punishment, I awarded him a punitive letter of reprimand (enclosure (5)) and forfeiture of \$500 per month for two months.

4. On 8 March 2018, CAPT (b)(6), (b)(7)(c) acknowledged his NJP appeal rights in enclosures (1) and (2). On 13 March 2018, he acknowledged receipt of the punitive letter of reprimand and the associated appeal rights in enclosure (5). He did not appeal the NJP or the punitive letter of reprimand, and the deadlines for doing so have passed. Accordingly, NJP and the letter are now final.

5. After fully reviewing the facts of this case, the following administrative actions are requested or recommended.

a. I request CAPT (b)(6), (b)(7)(c) detachment for cause (DFC). (b)(6), (b)(7)(c) his misconduct made his continued service as Deputy Commander, and future service as Commander, of (b)(6), (b)(7)(c) untenable. As such, I relieved CAPT (b)(6), (b)(7)(c) on 8 March 2018. To support immediate operational needs (b)(6), (b)(7)(c) provided a new Deputy Commander. Completion of the DFC will finalize the process and allow CAPT (b)(6), (b)(7)(c) to benefit from a fresh start at a new command.

b. CAPT (b)(6), (b)(7)(c) is not on a promotion list.

c. CAPT (b)(6), (b)(7)(c) should not be required to show cause for retention in the Naval Service. CAPT (b)(6), (b)(7)(c) has been an exceptionally skilled warfighter, respected leader, and man of fundamentally good character during (b)(6), (b)(7)(c) of military service. He did an extraordinary job moving (b)(6), (b)(7)(c) successfully through the workup cycle, readying the team for an imminent deployment. Following this misconduct, he handled himself impeccably, accepting responsibility for his actions and sharing the lessons he learned with every ready room in (b)(6), (b)(7)(c). The Navy is not a "zero-defect" organization. CAPT (b)(6), (b)(7)(c) has taken steps to address the personal stressors which contributed to his misconduct, and I believe he will remain a valuable contributor to the Navy mission in another capacity.

6. By copy hereof, CAPT (b)(6), (b)(7)(c) is notified of his right, per references (a) and (b), to submit his comments, within 15 days of receipt, concerning this report of NJP and letter of reprimand and detachment for cause request, which will be included as adverse matter in his official record. CAPT (b)(6), (b)(7)(c) is also hereby notified that those in the endorsement chain may choose to make

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(b)(6), (b)(7)(c)

USN

recommendations different than those contained in this letter. His comments or declination to make a statement will be reflected in his endorsement to this letter.

(b)(6), (b)(7)(c)

**Conv to:**

(b)(6), (b)(7)(c)